

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - Juvenile Welfare Correctional Services & Welfare of Street Children Department, A.P. Hyderabad – Sri K.Suryanarayana Murthy, Regional Inspector of Probation, Visakhapatnam Retired on Superannuation – Set aside the Orders issued vide G.O.Ms.No.33, Department for Women, Children, Disabled and Senior Citizens (JJ), dated 15.07.2011 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad - Orders of the Hon'ble A.P.A.T., Hyderabad, in O.A.No.6752/2011 with VMA No.845/2013, dt:11.03.2014 implemented – Orders issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (PROG.I)

G.O.Rt.No.209

Dated: 05-07-2014.
Read the following:-

1. G.O.Rt.No.1097, Finance & Planning (FW.PEN.I) Department, dated 22-06-2000.
2. From the Hon'ble APAT Order in OA.No.579/2011, dated:11-03-2011 filed by Sri K.Suryanarayana Murthy.
3. From the Director, JW, CS & WSC, Hyderabad, Lr.No.EA!/16/2011, Dated 04-06-2011.
4. G.O.Rt.No.245, Department for Women, Children, Disabled and Senior Citizens (JJ), dated 11.07.2011.
5. G.O.Ms.No.33, Department for Women, Children, Disabled and Senior Citizens (JJ), dated 15.07.2011.
6. From the Hon'ble A.P.A.T., Hyderabad Orders in OA.No.6752/2011 with VMA No.845/2013, dated:11-03-2014 filed by Sri K.Suryanarayana Murthy.

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ORDER:

Sri K.Suryanarayana Murthy, Superintendent, Children Home for Boys, Eluru was placed under suspension by the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad, under sub-rule (1) of rule 8 of A.P. Civil Services (CCA) Rules, 1991 for committing irregularities such as cutting 22 Nos. of Teak Wood and 7 Nos. of country wood with the help of Juveniles in the Home and for shortage of dietary articles in the Stock Register in the Home. Disciplinary proceedings were initiated against Sri K.Suryanarayana Murthy, Superintendent, by framing Articles of Charge and calling his written statement of defense and the Charged Officer has submitted his Written Statement of Defense, denying the charges and requested to drop further action in the matter.

2. The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad has appointed an Inquiring Authority for conducting a detailed Inquiry in the matter. The Inquiring Authority has conducted a detailed inquiry within the time stipulated by the Hon'ble Andhra Pradesh Administrative Tribunal in OA.No.5876/2009 and submitted his Inquiry Report vide Letter No.CPS/KSN.INR/2010, dated 10.05.2010, holding (ix) charges against Sri K. Suryanarayana Murthy. The Government in deference to the orders of the Hon'ble High Court in C.C.No.853/2010 in WP.No.4492/2010, dt.27.09.2010 have issued orders vide Govt. Memo. No. 1633/JJ/A2/2009, dated 27.09.2010, reinstating Sri K. Suryanarayana Murthy, Superintendent, into service pending finalisation of the disciplinary proceedings and subject to the outcome thereof. Sri K.Suryanarayana Murthy was retired from service w.e.f. 30.09.2010 on attaining the age of superannuation without prejudice to the disciplinary proceedings/ departmental cases pending against him.

P.T.O.,

3. In pursuance of the orders issued in the references 1st and 2nd read above and in the circumstances reported by the Director, Juvenile Welfare Correctional Services & Welfare of Street Children, Hyderabad in his letter 3rd read above, the Government have sanctioned the Provisional Pension @ Rs.3,302/- (Rupees three thousand three hundred and two only) i.e., 75% of the normal pension under Rule 52 of the A.P. Revised Pension Rules, 1980, subject to the outcome of the disciplinary case pending against him and the issue of final orders and also ordered that the Gratuity and Communication payable to him was withhold till the finalization of the case in the reference 4th read above.

4. In the reference 5th read above, after careful examination of the entire matter and after considering the Inquiry Officer's report and the explanation of the Charged Officer against the Show-cause Notice and in consultation with A.P. Public Service Commission, Hyderabad, Government imposed a penalty of withholding of full pension under the Provisions of Rule 9 of A.P. Civil Services (CCA) Rules, 1991 read with A.P. Revised Pension Rules, 1980 and G.O.Ms.No.2, G.A. (Ser-C) Department, Dt:04.01.1999, besides treating the suspension period from 03.04.2009 to 28.09.2010 as 'not duty' under F.R.-54-B on Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru, now Regional Inspector of Probation (Retd.) as the charges are held proved against him.

5. Aggrieved by the above orders Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru, now Regional Inspector of Probation (Retd.) has filed O.A.No.6752/2011. In the reference 6th read above, the Hon'ble Andhra Pradesh Administrative Tribunal in its final orders dated 11.03.2014 in O.A.No.6752/2011 with VMA No.845/2013 has set aside G.O.Ms.No.33, Department for Women, Children, Disabled & Senior Citizens (JJ) Department, dt:15.07.2011 and directed to remit the matter back to the Government with a direction to remand the matter back to the Enquiry Officer for further enquiry from the stage of defense evidence and then report. The Enquiry Officer should Summon the witnesses cited by the applicant and examine them as defense witnesses. He should also give opportunity to the applicant to adduce his other evidence, if any. Basing upon the said report, it would be open for the Government to take appropriate action in accordance with Rules. The applicant shall be paid provisional pension from the date of his retirement till the date of passing of final orders, so as to enable him to effectively participate in the enquiry. The further enquiry, including passing of final orders thereon, shall be completed within a period of six months from the date of receipt of copy of this order. VMA stand dismissed".

6. After careful examination of the issue and keeping in view of the above orders of Andhra Pradesh Administrative Tribunal, Hyderabad, Government have decided to implement the orders of Hon'ble Andhra Pradesh Administrative Tribunal, dated 11-03-2014 in O.A.No.6752/2011 with VMA No.845/2013.

7. Accordingly, Government hereby remand the case back to the Director, Juvenile Welfare, Correctional Services and Welfare of Street Children, A.P., Hyderabad to take necessary action for further enquiry against Sri K.Suryanarayana Murthy, RIP (Retd.), Visakhapatnam from the stage of the defense evidence as per the orders of Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.6752/2011 with V.M.A. No.845/2013, dated 11.03.2014 and then submit the report to Government along with his findings for taking necessary action in the matter

8. Government hereby also order to rescind the orders issued vide G.O.Ms.No.33, Department for Women, Children, Disabled & Senior Citizens (JJ)

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Department, dated 15.07.2011 and to revive the orders issued vide G.O.Rt.No.245, Department for Women, Children, Disabled & Senior Citizens (JJ) Department, dated 11.07.2011 till the date of passing of final orders in this case.

9. The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director,

Juvenile Welfare Correctional Services & Welfare of Street Children,
Andhra Pradesh, Hyderabad.

Sri K.Suryanaryana Murthy, RIP (Retd.) through the Director, JW, CS & WSC,
A.P., Hyderabad.

The Accountant General, A.P., Hyderabad

Copy to:

The Government Pleader for Women Development &
Child Welfare (Services),
Andhra Pradesh Administrative Tribunal, Hyderabad.

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER